THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20633 2007

DATED:01-10-2007

BETWEEN:

Tula Venkatamma.

..... PETITIONER

AND

The Government of A.P.,
Rep., by its Tahsildar,
Mandal Revenue Office,
Peddapalli,
Karimnagar District.

.....RESPONDENT

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondent.

2. Petitioner seeks a writ of mandamus directing the respondent to consider and pass appropriate orders on the petition, dated 01-02-2007, filed under Section 5A of the A.P.Rights in Land and Pattadar Pass Book Act, 1971 (for brevity, 'the Act') by the petitioner, and consequently declare the action of the respondent in not passing orders under the statutory provisions of law as bad in law and violative of the Act.

3. It is the case of the petitioner that she has filed a suit in O.S.No.6 of 1989 on the file of the Senior Civil Judge, Peddapalli, Karimnagar District for partition of 'A' and 'B' schedule properties against his brother. Preliminary decree has been passed in the said suit against which First Appeal has been filed by her brother and the same was dismissed, and thus the decree of partition has become final. It is stated that thereafter petitioner filed a petition, dated
01-02-2007, before the Mandal Revenue Officer, Peddapalli, Karimnagar District for issuance of pattadar passbook and title deeds in her favour by regularizing her right of decree under Section 5A of the Act.

4. Under Section 5A of the said Act even unregistered sale

deeds can be regularized. In the instant case if a decree has been passed and the land in question has been allotted in the final decree it is for the Mandal Revenue Officer to recognize the said decree and pas appropriate orders in accordance with law. But no such final decree has been passed so far.

5. Having regard to the facts and circumstances of the case, respondent is directed to consider and dispose of the petition of the petitioner, dated 01-02-2007, in accordance with law as expeditiously as possible without any undue delay after giving reasonable opportunity to all the concerned.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

01st October, 2007.
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